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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/996,037	11/16/2001	Dimitri Donskoy	7604/40/1	2120	
20694	20694 7590 05/06/2004		EXAMINER		
WOLFF & SAMSON, P.C.			HARVEY, N	HARVEY, MINSUN OH	
ONE BOLAND DRIVE WEST ORANGE, NJ 07052			ART UNIT	PAPER NUMBER	
			2644	7/	
			DATE MAILED: 05/06/200	DATE MAILED: 05/06/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available used the type provision of 37 CPR 1.136(a). In no event, however, may a reply be timely flied  If the partied for reply specified above is less than thirty (00) days, a reply within the saturatory infritume of thirty (30) days will be considered timely.  If the parties for reply is precified above, the maximus tatatory portion of apply and will segris SEX (e) MONTHS from the mailing date of this communication.  Fallors for reply within the set or estimated parties of the supplication to become ABANDONED (3S U.S.C. § 133).  For a supplication of the provision of the supplication of the communication. See 37 CFR 1.704(a).  Status  1) Responsive to communication(s) filed on 21 July 2003.  2a) This action is FINAL.  2b) This action is reply and the provision of the supplication is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-19 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) 1-39 is/are pending in the application.  4a) Claim(s) 1-39 is/are pending in the application.  5) Claim(s) 1-39 is/are pending in the application.  4a) Claim(s) 1-39 is/are pending in the application.  4a) Claim(s) 1-39 is/are pending in the application.  5) Claim(s) 1-39 is/are pending in the application.  4a) Claim(s) 1-39 is/are pending in the application.  5) Claim(s) 1-39 is/are pending in the application.  6) Claim(s) 1-39 is/are pending in the application.  7) Claim(s) 1-39 is/are pending in the application.  8) The drawnown of the application is objected to restriction and/or election requirement.  Applica								
Examiner    Minsun Harvey			Application No.	Applicant(s)				
## Minsun Harvey    The MAILING DATE of this communication appears on the cover sheet with the correspondence address = Period for Reply   A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.   A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.   If the period for reply specified above is less than thirty (30) days, a reply while in the statutory minicature of thirty (30) days will be considered timely.   If the period for reply specified above is beat stan thirty (30) days, a reply while the statutory minicature of thirty (30) days will be considered timely.   If the period for reply specified above is beat stan thirty (30) days, a reply while the statutory minicature of the reply be timely filled, and the statutory minicature of the replace of the statutory and the replace of the scommunication, even if timely filled, may reduce any seemed patent term ediplication is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.    Disposition of Claims   1		•	09/996,037	DONSKOY ET AL.				
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Exercisions of from may be available under the provisions of 37 CFR 1.35(a). In no event, however, may a reply be timely filled.  Exercision of from the provision of the provision of 37 CFR 1.35(a). In no event, however, may a reply be timely filled.  Exercision of from the provision of the provision of 37 CFR 1.35(a). The provision of the provision			· ·	I				
THE MAILING DATE OF THIS COMMUNICATION.  Extensions or fish may be available under the provision of 37 CPR 1.13(a). In no event, however, may a reply be timely flitid after SX (6) MONTHS from the mailing date of this communication.  If the period for reply spedite days is less than firty (50) days, a reply which the studyory minimum at flority (30), days will be considered they.  Falue to reply within the set or extended poted for reply will by stude, cause the application to become ABANDONED (as U.S.C. § 133). Any reply recorded by the Office later than three membras date the application to become ABANDONED (as U.S.C. § 133). Any reply recorded by the Office later than three membras date of this communication, even if timely flied, may reduce any cannet patient term adjustment. See 37 CPR 1.704(b).  Status  1)  Responsive to communication(s) filed on 21 July 2003.  2a)  This action is FINAL.  2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 1-19 is/are pending in the application.  4a) Of the above claim(s)  is/are withdrawn from consideration.  5)  Claim(s) 1-3 nd 19 is/are allowed.  6)  Claim(s) 1-3, 16 and 17 is/are objected to.  8)  Claim(s) 1-3, 16 and 17 is/are objected to.  8)  Claim(s) 4-8, 13, 16 and 17 is/are objected to.  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on  is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CPR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a) (d) or (f).  a) All b)  Some c)  Nonce of claim for foreign priority documents have been received in this National	Period fo		appears on the cover sheet with the c	correspondence address				
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Art Unit: 2644

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claims 1, 2, 3, 12, 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Kirjavainen.

Kirjavainen discloses an acoustic and vibration sensor (fig. 1a) and which is comprised of a first electrically charged layer having a contact side and an intermediate side (2, top); a second electrically charged layer having a contact side and an intermediate side (2 bottom); a compliant intermediate electrically insulating layer disposed between and contacting the intermediate sides of the first and second electrically charged layers (4); a first contact layer disposed on the contact side of the first electrically charged layer (3, top); and a second contact layer (3, bottom) having at least one sensing element disposed on the contact side of the second electrically charged layer (B and D), wherein the at least one sensing element and layers of the device move with respect to each other in response to acoustic or vibrational waves intercepted by the sensor, the movement creating an output voltage corresponding to the acoustic or vibrational waves (col. 3, lines 13 to 24).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

<sup>(</sup>a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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4. Claims 9 to 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirjavainen.

Regarding claims 9 to 11, Kirjavainen does not disclose wherein one or both of the contact layers can be patterned by a subtractive process to form sensing elements; by an additive process to form sensing elements; and the intermediate layer comprises a gel. Even though Kirjavainen does not disclose processes as claimed in claims 9 and 10 and the intermediate layer which comprises a gel as claimed in claim 11, it would have been obvious to have the contact layers patterned by a subtractive process to form sensing elements; by an additive process to form sensing elements; and the intermediate layer comprises a gel because they are all well known processes which has been used in the art for forming sensing elements and using a gel for an intermediate layer is also well known in the art.

- 5. Claims 4-8, 13, and 15-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- 6. Claims 18 to 19 are allowable over prior art of record.
- 7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minsun Harvey whose telephone number is (703) 308-6741. The examiner can normally be reached on Mondays-Fridays from 9:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Isen, can be reached on (703) 305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MINSUN OH HARVEY PRIMARY EXAMINER